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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
09/911,052	07/24/2001	Valentin Hierzer	erzer CCK-0057		Valentin Hierzer CCK-0057			
75	90 09/27/2002							
	OSHIDA, LLC	EXAMINER						
Eight Penn Cent 1628 John F. Ke	ennedy Blvd.		HYLTON, ROB	IN ANNETTE				
Philadelphia, PA	A 19103		ART UNIT	PAPER NUMBER				
			3727					
			DATE MAILED: 09/27/2002	!				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Commonstrate Commonstrat	à		Application No.		Applicant(s)	/						
Robin Hytton - Th. MAILING DATE of this communication appears on the cov r sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified shows is less than thirty (30) cays, a reply within the statutory minimum of thirty 0.5 says will be considered timely. If the period for reply specified shows in less than thirty (30) cays, a reply with replication of the period for reply specified shows in less than thirty (30) cays, a reply with replication of the period for reply specified shows in the statutory period vall again set 30 (5) MONTH from the maleilag date of this communication. If the period for reply specified shows in less than thirty (30) cays, a reply with replication of the period of this communication. If the period for reply specified shows in less than the replication of the mailing date of this communication, averally interest and period of this communication. A proper shows the specified and the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is a pending in the application. 4a) Of the above claim(s) is a period of the application of the application of the application of the application is in consideration. 5) Claim(s) is a period of the period o			09/911,052		HIERZER ET AL.							
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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 14-20, drawn to a method of making a hinged tamper evident closure, classified in class 264, subclass 268.
 - II. Claims 1-13, drawn to a hinged tamper evident closure, classified in class 215, subclass 251.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions of Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case a different method can be used to form the closure. The closure can be formed by integrally forming the body, tamper evident band, and cap; forming hinge elements on each of the cap and body at opposite locations from the tamper evident band; and securing the hinge elements together via a pintle.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 305-3579. This practice

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may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

6. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

1	hereby	certify	that th	s cor	respoi	ndend	e for a	Applica	ation	Seria	l No.			is beir	ng fa	csimile	ed to
The U.S.	Patent	and T	radema	rk Of	fice via	a fax i	numbe	er (703	305	5-3579	9 on t	he dat	e s	hown	belo	w:	

Typed or printed name of person signing this certificate	
Signature	
Date	

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 8:00 a.m. to 2:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH September 24, 2002

Patent Examiner GAU 3727